

LABOR SERVICES DIVISION[875]

Adopted and Filed

Rule making related to occupational safety and health violations

The Labor Commissioner hereby amends Chapter 3, “Posting, Inspections, Citations and Proposed Penalties,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 88.14.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 88.

Purpose and Summary

This amendment aligns Iowa’s penalties for occupational safety and health violations with the corresponding federal penalties.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 28, 2018, as **ARC 3702C**. No public hearing was held. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Labor Commissioner on May 2, 2018.

Fiscal Impact

This rule making will result in a small increase in deposits to the State General Fund.

Jobs Impact

After analysis and review of this rule making, the Commissioner finds that jobs could be impacted. However, the amendment is implementing federally mandated regulations, and the State of Iowa is only implementing the federal regulations. The requirements imposed on Iowa businesses by these regulations do not exceed those imposed by federal law.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commissioner for a waiver of the discretionary provisions, if any, pursuant to 875—Chapter 5.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on June 30, 2018.

The following rule-making action is adopted:

Amend subrule 3.11(1) as follows:

3.11(1) The civil penalties proposed by the labor commissioner on or after ~~February 11, 2018~~ June 30, 2018, are as follows:

a. Willful violation. The penalty for each willful violation under Iowa Code section 88.14(1) shall not be less than ~~\$8,908~~ \$9,239 and shall not exceed ~~\$124,709~~ \$129,336.

b. Repeated violation. The penalty for each repeated violation under Iowa Code section 88.14(1) shall not exceed ~~\$124,709~~ \$129,336.

c. Serious violation. The penalty for each serious violation under Iowa Code section 88.14(2) shall not exceed ~~\$12,471~~ \$12,934.

d. Other-than-serious violation. The penalty for each other-than-serious violation under Iowa Code section 88.14(3) shall not exceed ~~\$12,471~~ \$12,934.

e. Failure to correct violation. The penalty for failure to correct a violation under Iowa Code section 88.14(4) shall not exceed ~~\$12,471~~ \$12,934 per day.

[Filed 5/2/18, effective 6/30/18]

[Published 5/23/18]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/23/18.